

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 19-cr-20084  
Hon. Matthew F. Leitman

v.

GARY DON LYNN JR.,

Defendant.

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**ORDER FOR SUPPLEMENTAL BRIEFING**

Now pending before the Court is Defendant's Motion to Suppress (*see* ECF #12.) The Court has reviewed the parties' briefs and has concluded that it would benefit from supplemental briefing as described below.

The government argues that the searches and seizures in this case were constitutional due to Defendant's status as a parolee. In support, the government cites, among other things, *Samson v. California*, 547 U.S. 843 (2006), and condition 4.2 of Defendant's Parole Order, which references MCL 791.236(19). (*See* Resp., ECF #15.)

The Court directs the parties to address the following question in supplemental briefing: If, based upon Defendant's status as a parolee, law enforcement officials were authorized to conduct a search of Defendant's home and authorized to seize at

least certain types of items during that search, did the search and seizures here exceed the permissible scope of a search and seizure under the line of authority relied upon by the government? For example, during a search of a parolee's home under the line of authority relied upon by the government, are law enforcement officials limited to searching for and seizing items that, on their face, are (1) contraband, (2) evidence of a crime, or (3) prohibited items under the parolee's Parole Order? Or, are there no limits (or other limits) on what officers may search for and seize during the search of a parolee's house? If there are limits on the scope of a search and seizure permitted under the line of authority relied upon by the government, please explain how the searches and seizures here either complied with or exceeded that scope.

The parties shall file their supplemental briefs by not later **12:00 p.m (noon)** **on May 14, 2019.**

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: May 3, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 3, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
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